

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

JENNA RICHERT

Plaintiff,

VS.

LABELLE HOMEHEALTH CARE
SERVICES LLC et al.,

Defendants.

Case No 2:16-cv-00437 JLG-TPK

Judge

**ANSWER OF DEFENDANTS LABELLE HOMEHEALTH CARE SERVICES LLC AND
SALLY NJUME- TATSING**

Now come Defendant LaBelle Homehelath Services LLC and Defendant Sally Njume-Tatsing (collectively referred to herein as “Defendants” and individually referred to as Defendant LaBelle and Defendant Tatsing respectively), by and through counsel, and, for their answer to the Complaint (“Complaint”) filed on behalf of Plaintiff Jenna Richert (“Plaintiff”) , make the following admissions, denials, statements and affirmative defenses:

INTRODUCTION

1. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of Plaintiff's Complaint and therefore deny same.

2. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 2 of Plaintiff's Complaint and therefore deny same.

3. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 3 of Plaintiff's Complaint and therefore deny same.

JURISDICTION AND VENUE

4. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 4 of Plaintiff's Complaint and therefore deny same.

5. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 5 of Plaintiff's Complaint and therefore deny same.

6. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 6 of Plaintiff's Complaint and therefore deny same.

PARTIES

7. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 7 of Plaintiff's Complaint and therefore deny same.

8. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 8 of Plaintiff's Complaint and therefore deny same.

9. Defendants admit the averments contained in Paragraph 9 of Plaintiff's Complaint.

10. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 10 of Plaintiff's Complaint and therefore deny same.

11. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 11 of Plaintiff's Complaint and therefore deny same.

12. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 12 of Plaintiff's Complaint and therefore deny same.

13. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 13 of Plaintiff's Complaint and therefore deny same.

14. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 14 of Plaintiff's Complaint and therefore deny same.

15. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 15 of Plaintiff's Complaint and therefore deny same.

16. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 16 of Plaintiff's Complaint and therefore deny same.

FACTUAL ALLEGATIONS

17. Defendants admit the averments contained in Paragraph 9 of Plaintiff's Complaint.

18. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 18 of Plaintiff's Complaint and therefore deny same.

19. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 19 of Plaintiff's Complaint and therefore deny same.

20. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 20 of Plaintiff's Complaint and therefore deny same.

21. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 21 of Plaintiff's Complaint and therefore deny same.

22. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 22 of Plaintiff's Complaint and therefore deny same.

23. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 23 of Plaintiff's Complaint and therefore deny same.

24. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 24 of Plaintiff's Complaint and therefore deny same.

25. Defendants deny the averments contained in Paragraph 25 of Plaintiff's Complaint.

COLLECTIVE ACTION ALLEGATIONS

26. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 26 of Plaintiff's Complaint and therefore deny same.

27. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 27 of Plaintiff's Complaint and therefore deny same.

28. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 28 of Plaintiff's Complaint and therefore deny same.

29. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 29 of Plaintiff's Complaint and therefore deny same.

30. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 30 of Plaintiff's Complaint and therefore deny same.

31. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 31 of Plaintiff's Complaint and therefore deny same.

32. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 32 of Plaintiff's Complaint and therefore deny same.

CLASS ACTION ALLEGATIONS

33. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 33 of Plaintiff's Complaint and therefore deny same.

34. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 34 of Plaintiff's Complaint and therefore deny same.

35. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 35 of Plaintiff's Complaint and therefore deny same.

36. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 36 of Plaintiff's Complaint and therefore deny same.

37. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 37 of Plaintiff's Complaint and therefore deny same.

38. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 38 of Plaintiff's Complaint and therefore deny same.

39. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 39 of Plaintiff's Complaint and therefore deny same.

COUNT ONE
(Fair Labor Standards Act Violations)

40. Defendants incorporate all other admissions, denials, statements and affirmative defenses contained in this pleading as if fully re-written herein in response to the averments contained in Paragraph 40 of Plaintiff's Complaint.

41. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 41 of Plaintiff's Complaint and therefore deny same.

42. Defendants deny the averments contained in Paragraph 42 of Plaintiff's Complaint.

43. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 43 of Plaintiff's Complaint and therefore deny same.

44. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 44 of Plaintiff's Complaint and therefore deny same.

COUNT TWO
(Violations of the Ohio Revised Code § 4111.03)

45. Defendants incorporate all other admissions, denials, statements and affirmative defenses contained in this pleading as if fully re-written herein in response to the averments contained in Paragraph 45 of Plaintiff's Complaint.

46. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 46 of Plaintiff's Complaint and therefore deny same.

47. Defendants deny the averments contained in Paragraph 47 of Plaintiff's Complaint.

48. Defendants state that they are without knowledge of information sufficient to form a belief as to the truth of the averments contained in Paragraph 48 of Plaintiff's Complaint and therefore deny same.

49. Defendants deny each and every other averment contained in Plaintiff's Complaint that is not expressly admitted herein.

FIRST AFFIRMATIVE DEFENSE

50. Plaintiff's claims against Defendants are barred as a result of Plaintiff's failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

51. Plaintiff's claims against Defendants are barred or must be reduced due to Plaintiff's failure to mitigate.

THIRD AFFIRMATIVE DEFENSE

52. Plaintiff's claims against Defendants are barred under the doctrine of waiver, laches and/or estoppel.

FOURTH AFFIRMATIVE DEFENSE

53. Plaintiff's claims against Defendants are barred under the applicable statutes of limitation.

FIFTH AFFIRMATIVE DEFENSE

54. Plaintiff's claims against Defendants to certify a class, or classes, must be dismissed because there is not a community of interest among the members of the proposed classes or questions of law or fact common to the proposed classes that predominate over questions of individual affection only individuals.

SIXTH AFFIRMATIVE DEFENSE

55. Each purported claim for relief is barred as Plaintiff's actions or admissions constitute waiver.

SEVENTH AFFIRMATIVE DEFENSE

56. Each purported claim for relief is barred by Plaintiff's acquiescence and/or ratification.

EIGHTH AFFIRMATIVE DEFENSE

57. Plaintiff's claims against Defendants are barred as a result of Plaintiff's failure to join necessary parties.

WHEREFORE, Defendants demand that Plaintiff's Complaint be dismissed with prejudice as to them and those Defendants be entitled to an award for their attorney fees and costs.

Respectfully submitted,

FISHER, SKROBOT & SHERAW, LLC.

By: /s/ John C. Ridge

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing ANSWER OF DEFENDANTS LABELLE HOMEHEALTH CARE SERVICES LLC AND SALLY NJUME- TATSING was served upon the following parties this 18th day of July 2016.

Tricia L. Prycraft
Kimberly L. Hall
225 North Market Street, P.O. Box 559
Wooster, Ohio 44691
Attorneys for Plaintiff

By: /s/ John C. Ridge
John C. Ridge (0086046)